REMARKS

After entering these amendments, Claims 1-9 will be pending. Claims 1-2 and 8-9 have been amended.

THE REJECTIONS UNDER 35 U.S.C. §112:

Claims 1-9 were "rejected under 35 U.S.C §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention." (January 5, 2006 Office Action, Page 3). Applicants respectfully traverse.

I: Claims 1-9 were rejected under 35 U.S.C §112, second paragraph, because "[r]ecitation of 'including all prodrug esters, pharmaceutically acceptable salts and stereoisomers thereof' in claim 1, [renders it] and its dependent claims 2-9 indefinite . . ." (January 5, 2006 Office Action, Page 3). Applicants have amended claim 1 and thereby claims 2-9 to recite "A compound or pharmaceutically acceptable salt or stereoisomer of formula I." Applicants, therefore, respectfully request the Examiner withdraw these rejections as they are now moot.

II: Claims 1-9 were rejected under 35 U.S.C. §112, second paragraph, because "recitation of the term 'including' in renders claim 1 and its dependent claims 29 indefinite as the transition phrase 'including' is open-ended and can include more than what is being positively recited therein." (January 5, 2006 Office Action, Page 3). Applicants have amended claim 1 and thereby claims 2-9 to delete the term "including." Applicants, therefore, respectfully request the Examiner withdraw these rejections as they are now moot.

III: Claims 1-9 were rejected under 35 U.S.C. §112, second paragraph because "recitation of 'prodrug esters thereof' in claim 1 renders claim 1 and it dependent claims 2-9." (January 5, 2006 Office Action, Page 3). Applicants have amended claim 1 and thereby claims 2-9 to delete the phrase "prodrug esters thereof." Applicants, therefore, respectfully request the Examiner withdraw these rejections as they are now moot.

Claims 1-9 were "rejected under 35 U.S.C §112, first paragraph, because the specification, while being enabling for making salts of the claimed compounds, does not reasonably provide enablement for making prodrug[s] of the claimed compounds." (January 5, 2006 Office Action, Pages 4-5). Applicants have amended claim 1 and thereby claims 2-9 to delete the term "prodrugs." Applicants, therefore, respectfully request the Examiner withdraw these rejections as they are now moot.

Claims 8 and 9 were "rejected under 35 U.S.C §112, first paragraph, because specification while being enabling for treating breast cancer and prostate cancer, does not reasonably provide enablement for treating any or all diseases embraced in the claim 8 all cancers." (January 5, 2006 Office Action, Page 7). Applicants appreciate the Examiner's statement that the claims are enabled "for treating breast cancer and prostrate cancer." (January 5, 2006 Office Action, Page 7). Applicants contend that the specification as originally filed also enables the use of the compounds defined in Claim 1 to be used to treat or delay the progression or onsent of muscular atrophy, sarcopenia, frailty or age-related functional decline, reduced muscle strength and function, reduced bone density or growth, bone fracture repair, acute fatigue syndrome and muscle loss following elective surgery, cachexia, side effects of chemotherapy, wasting, growth retardation, male contraception, and hypogonadism. (Pages 1-4 of the specification as originally filed). Claim 8 has been amended to recite "[a] method for treating or delaying the progression or onset of muscular atrophy, sarcopenia, frailty or age-related functional decline, reduced muscle strength and function, reduced bone density or growth, bone fracture repair, acute fatigue syndrome and muscle loss following elective surgery, cachexia, side effects of chemotherapy, wasting, growth retardation, male contraception, hypogonadism, which comprises . . . ." Applicants, therefore, respectfully request the Examiner withdraw this rejection as it is now moot.

THE REJECTIONS UNDER 35 U.S.C. §102:

Claims 1 and 5-9 were rejected under 35 U.S.C. §102(b) as anticipated by WO 02/18335 (hereinafter "Morihira"). (January 5, 2006 Office Action, Page 11). Applicants respectfully traverse.

Morihira teaches a genus of cyclic-amine compounds having CCR3 antagonist activity that are useful in treating inflammatory diseases. Examiner states "Morihira et a. teaches several pyrrolidine compounds . . . . [e]specially see Table 2-4 for various compounds which include instants compound with generic G definition." (January 5, 2006 Office Action Page 12). In Morihira, the entire document, especially Tables 2-4, discloses compounds wherein a pyrrolidine ring is attached via an amide linker to a substituted cyclic amine. In the present invention, however, applicants teach several compounds wherein a pyrrolidine ring is attached via an amide linker to an aromatic G group. Because applicants' invention does not include compounds wherein a pyrrolidine ring is attached to a substituted cyclic amine via an amide linker, applicants' invention is not

anticipated by Morihira. Applicants, therefore, respectfully request the Examiner withdraw this rejection as it is not applicable to the present invention.

THE REJECTIONS UNDER 35 U.S.C. §103:

Claims 1 and 5-9 were rejected under 35 U.S.C. §103(a) "as being unpatentable over Morihira et al., WO 02/18335." (January 5, 2006 Office Action, Page 13). Applicants respectfully traverse.

While Morihira teaches several pyrrolidine compounds, Morihira does not teach the compounds of the present invention wherein a pyrrolidine ring is attached via an amide linker to a generic aromatic G group. Because the applicants' aromatic G group is chemically diverse from the Morihira cyclic amine compounds, one of skill in the art would not find the present invention obvious in light of Morihira. Applicants, therefore, respectfully request the Examiner withdraw this rejection as it is not applicable to the present invention.

VOLUNTARY AMENDMENTS

Applicants have discovered several minor and inadvertent typographical errors and have amended the claims to correct these errors. Additional amendments to the claims not mentioned in the above remarks are minor and inadvertent typographical errors.

CONCLUSION

No fee is believed due for the filing of this Amendment; however, should any fee be found to be due please charge said fee to Deposit Account No. 19-3880 in the name of Bristol-Myers Squibb Company. In view of the foregoing, applicants submit that the application is now in condition for allowance. Early notification of such action is earnestly solicited.

Respectfully submitted,

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